CLASSIFICATION OFFICE DECISION

Title of publication:	nklc0406.jpg
Other known title(s):	nklc 0406
OFLC ref:	0900810.000
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	05 October 2009
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file exploits the nudity of a child to a high degree. The file presents a posed image of a naked young girl for viewers' close inspection. Because of the camera's sole focus on the girl's nakedness and physical immaturity, the image is reasonably capable of being regarded as sexual in nature. Although the purpose of this image is unclear, its likely source as an internet image increases the probability that the young girl's nudity has been exploited with sexual intent. No alternative context that would allow a non-sexual reading is apparent.

The classification interferes with the freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990. However, the decision is reasonable, justified and in accordance with the law. It is consistent with Parliament's intention in the Films, Videos, and Publications Classification Act 1993 that publications which exploit the nudity of children in a manner that renders their availability injurious to the public good will be banned.